

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 05-CI-00459

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE ATTORNEY GENERAL
Ex rel. Gregory D. Stumbo in his official
Capacity as Attorney General of the
Commonwealth of Kentucky

PETITIONER

v. **MOTION FOR A TEMPORARY INJUNCTION**

BOARD OF DIRECTORS FOR THE
COMMONWEALTH POSTSECONDARY
EDUCATION PREPAID TUITION
TRUST FUND, et al.

RESPONDENTS

* * * * *

Comes the Petitioner, Gregory D. Stumbo, Attorney General and moves the Court for a temporary injunction during the pendency of the above-captioned action prohibiting the Respondents, Board of Directors for the Commonwealth Post Secondary Education Trust Fund, Kentucky Higher Education Assistance Authority, and Cabinet for Finance and Administration *ex rel.* Robbie Rudolph in his official capacity as Secretary of the Kentucky Finance Administration Cabinet and all the Respondents officers, agents, employees, members and any person in concert with them from implementing so much of House Bill 267 signed into law March 19, 2005, that compels the Respondents to take thirteen million seven hundred thousand one hundred dollars (\$13,700,100.00) from the Commonwealth Postsecondary Prepaid Trust Fund and place it in the general fund, and prohibits transfers from the Unclaimed Property Fund and the General Fund to the Commonwealth Postsecondary Prepaid Trust Fund. In support of this motion for a temporary injunction, the Petitioner states that the rights of the Commonwealth and its

citizens will be violated by the Respondents and the they will suffer immediate and irreparable injury, loss or damage pending a final judgment in this action, and the acts of the Respondents will render a final judgment ineffectual, as more full appears by the complaint against the Respondents filed herein and the affidavits of State Treasurer Jonathan Miller, Chair of the KAPT Board of Directors; Robert B. Crompton, FSA, MAAA; and Clinton G. Long, administrator for Kentucky's affordable prepaid tuition – aggregate account.

Respectfully submitted,

By:



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NOTICE

The parties will take notice that the above-styled motion for a temporary injunction will be heard at 2:00 p.m. on Thursday, April 7, 2005, or as soon as counsel may be heard, in the Franklin Circuit Court, 214 St. Clair Street, Frankfort, Kentucky.



Robert S. Jones
Attorney for Petitioner